IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

MACA.No. 336 of 2007()

OPMV.556/2004 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR
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: APPELLANT/PETITIONER:

JAYESH, AGED 21 YEARS,
S/O.PARAMESWARAN, PADATH HOUSE,
P.O.VENGAD, MALAPPURAM DISTRICT.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.P.K.BEENA

RESPONDENTS:
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1. UNNIKRISHNAN. M., S/O.M. KRISHNAN,
THALITHODI HOUSE, CHERKAPARAMBIL P.O.,
PERINTHALMANNA. (DRIVER).

2. V.D. SIBY, S/O.DEVASSYA,
VATTACHIRA HOUSE, P.O.PALACHODE,
MALAPPURAM (OWNER).

3. ORIENTAL INSURANCE CO.LTD.,
JYOTHI SUPR BAZAR, P.O.THODUPUZHA.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 2/03/2007, THE COURT ON 12/3/2007 DELIVERED THE FOLLOWING:

P.R. Raman & Antony Dominic, JJ.
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M.A.C.A.No. 336 of 2007
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Dated this the 12th day of March, 2007.

JUDGMENT

Raman,J.

Appellant is the claimant in OPMV No.556 of 2004 before the Motor Accidents Claims Tribunal, Tirur. He claimed compensation by filing an application under Section 166 of the Motor Vehicles Act. The accident occurred on 22.6.2004 at about 3.55 p.m. while the appellant was boarding the bus KL-10 N-7765 driven by the first respondent and owned by the second respondent. The vehicle was insured with the third respondent. He claimed an amount of Rs.7 lacks by way of compensation.

2. The Tribunal found that the accident occurred as a result of the negligence of the first respondent. The appellant was aged 19 years at the time of the accident. He had sustained multiple abrasions, fracture of left femur and fracture of pelvis. He was admitted in the hospital on 22.6.2004 till 11.8.2004 and again admitted on 28.9.2004 and was discharged on 9.10.2004. Ext.P9 is the injury certificate. An amount of Rs.2,70,000/- was awarded by

way of compensation. It is contended that the compensation awarded is not reasonable and he claims enhancement. The Tribunal as per the impugned award has considered the materials produced in the case for the purpose of quantifying the compensation awarded. Ext.A15 series bills shows that an amount of Rs.1,64,000/- has been spent for the treatment of the appellant. The appellant was a student studying in B.Sc. at the time of the accident. He was also teaching in a tutorial college. Ext.A17 certificate shows that his income was Rs.2000-2500 per month. Considering the nature of the injuries sustained by the appellant, the compensation for loss of earning was granted for a period of six months, even in the absence of any evidence regarding the period of loss of earning. Ext.A9 certificate shows that the appellant has sustained permanent disability of 10%, which was accepted and compensation was granted at Rs.38,400/-. A further amount of Rs.12,000/- was granted as compensation for loss of amenities. An amount of Rs.50,000/- was granted towards permanent disability, loss of earning capacity and loss of amenities. He was also granted compensation towards transport to hospital, damage to clothing, expenses of bystander and extra nourishment respectively Rs.3,000/- 500/-, 7,500/- and Rs.5,000/-. Towards pain and suffering, an amount of Rs.20,000/- was awarded and for loss of

studies he was awarded Rs.8,000/-. In paragraph 8 various heads under which the amount has been awarded is described, which will go to show that whatever reasonable compensation to be awarded to the appellant has been awarded. The appellant was also awarded interest at 9% on the amount of compensation awarded from the date of filing the petition till the date of realisation. An amount of Rs.3,000/- as awarded towards costs. In such circumstances, we cannot agree with the contention of the appellant that the compensation awarded was not reasonable. On an overall consideration of the entire materials on record, we find that the compensation awarded is just and reasonable. The appellant is not entitled to any further enhancement under any head.

We do not find any merit in the appeal. Appeal is dismissed.

P.R.Raman,
Judge.

Antony Dominic,
Judge.

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